

REMARKS

Claims 1-18 are pending in the above-identified application. By this Amendment, the Applicant has amended claim 1 to replace the word "ore" with "or". The amendment to the claims are supported by the application as originally filed, and do not introduce new matter. Accordingly, entry of the amendment to claim 1 is respectfully requested.

Claim Objections

At paragraph 1 of the Office Action, the Examiner objected to claim 1, stating that the term "ore" at line 8 was not understood. The Applicant has amended claims 1 to correct the informality. Accordingly, reconsideration and withdrawal of the objection to claim 1 is respectfully requested.

Claim Rejections – 35 U.S.C. §102

At paragraph 2 of the Office Action, the Examiner rejects claims 1-18 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,549,768 ("Fraccaroli"). The Applicant respectfully traverses these rejections, and asserts that the claims pending in the present application are patentable over Fraccaroli for at least the reasons stated below.

Fraccaroli discusses systems for matching persons through their mobile stations. Col. 1, lines 10-13. The Fraccaroli system matches persons through their mobile stations, i.e., their cellular phones, based on data contained in matching profiles stored on the system for each subscriber/mobile station. Col. 5, lines 31-32; Col. 8, lines 28-32. Matching profiles contain information regarding the characteristics of each subscriber, such as "business interests, personal interests, identify information of people whose proximity [the subscriber] wants to be aware of and put in contact with if close enough, etc." Col. 8, lines 35-39. Profiles for mobile stations within the same cell or cell group are compared in order to find persons that match based on their characteristics specified in the profiles. Col. 5, lines 38-41; Col. 9, lines 57-61. The matching process is generally triggered every time a subscriber enters the cell or cell group. Col. 9, lines 52-53.

The Fraccaroli system uses a registration procedure to realize the location of the subscriber, wherein the system registers the mobile subscriber with a particular cell based on information transmitted between the mobile station and the base station. The location

information is updated automatically and repeatedly so that it appears to the subscriber that the mobile station is continuously scanning for matching opportunities. See Col. 7, lines 43-53; Col. 10, lines 3-5. Once a match is made, the system informs matching subscribers of the match and prompts each to initiate a call to the other matching subscriber. See Col. 10, lines 53-56. Fraccaroli describes the service as a "dating service" that matches subscribers having common interests that are within a predefined proximity of each other. See Col. 8, lines 57-58. In this respect, Fraccaroli is a personal matching system and in no way relates to or provides any functionality that may be attributed to presence systems as claimed by present invention. Furthermore, although Fraccaroli recognizes that the frequency with which location information is updated influences network performance, Fraccaroli does not provide any solution for reducing the impact on the network.

In contrast to Fraccaroli, the present invention is generally directed to methods and software for reducing the frequency with which presence status information needs to be sent to client devices, *e.g.*, devices interconnected over a low-bandwidth or high cost connection. More specifically, independent claims 1 and 10, and claims 2-9 and 11-18 dependent thereon, respectively, are drawn toward methods and computer software for informing clients as to the presence of a device by recording a presence status of a first device to create an observed presence profile, comparing the observed presence profile with one or more model presence profiles to compute a closest matching model presence profile, and transmitting information representing the closest matching model presence profile to one or more devices. Neither Fraccaroli nor any other reference cited by the Examiner, either alone or in combination, discloses or otherwise suggests such functionality.

The Examiner asserts, with reference to col. 4, lines 12-63 and col. 9, line 25-col. 10, line 15, that Fraccaroli teaches recording a presence status of a first device to create an observed presence profile. The Applicant respectfully disagrees with the Examiner. The sections of Fraccaroli referred to by the Examiner discuss registering the mobile station in the cellular area and maintaining a logbook of matches that have occurred for particular users, respectively. Registration generally refers to a process in which the location of a mobile device is identified in the context of a cellular system. The location information is used for identifying and subsequently matching subscriber profiles for subscribers that are within a particular area. See Col. 5, lines 4-11 and lines 26-48. With regard to the logbook, Fraccaroli uses a logbook to store information regarding matches made for particular

subscribers, such as the time, date, location, etc., of the match. Registering the subscriber with a cell or cell group and maintaining a logbook of personal matches are not the same as or analogous to recording a presence status and creating an observed preference profile, which generally represents a high level description of the devices' presence behavior over a period of time. Page 5, lines 14-16 of the present application.

The Examiner also asserts, with reference to col. 5, lines 4-48 and col.10, lines 40-51, that Fraccaroli teaches comparing the observed presence profile with one or more model presence profiles to compute a closest matching model presence profile. The Applicant disagrees with the Examiner on this point as well. As noted above, Fraccaroli does not disclose or otherwise suggest creating an observed presence profile. Further, Fraccaroli does not disclose or suggest a model profile, which generally represents an intuitive notion of a user's activities. Consequently, Fraccaroli does not disclose or suggest comparing the observed presence profile with the model profile to compute a closest matching model presence profile.

The Examiner appears to suggest that an entering subscriber's matching profile is analogous to the observed preference profile, and that matching profiles for other mobile subscribers are analogous to the claimed model profiles. The Examiner, however, is mistaken in this respect. As noted above, Fraccaroli's matching profiles contain information regarding the subscribers' characteristics, which are not the same as an observed profile (a description of the device's behavior over a period of time) or a model profile (an intuitive notion of a user's activities).

The Examiner also asserts that Fraccaroli teaches transmitting information representing the closest matching model presence profile to one or more devices. The Applicant disagrees on this point as well insofar as Fraccaroli does not disclose or suggest computing a closest matching model presence profile, as noted above, and thus does not disclose or suggest transmitting information regarding the closest matching model profile. Indeed, Fraccaroli is silent regarding both observed and model profiles.

The present invention generally provides methods and corresponding software products for reducing the frequency that presence status information must be transmitted over a network, which consequently reduces the network load placed thereon by presence systems. This is generally accomplished by recording a first device's presence status to create an observed preference profile, comparing the observed preference profile with one or more

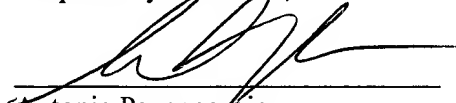
model presence profiles to compute a closest matching model presence profile, and transmitting information representing the closest matching model presence profile to one or more devices. The one or more devices may then use the matching model presence profile information to infer the presence of the first device over a period of time, which reduces the need to continuously transmit presence status information over the network for the first device. This aspect of the invention is neither disclosed nor suggested by Fraccaroli. On the contrary, Fraccaroli appears to teach away from the present invention insofar as Fraccaroli operates under the presumption that the negative impact on the network's performance as a result of communicating frequent location updates is simply the cost of minimizing delays. See Col. 10, lines 43-53.

The dependent claims of the present application contain additional features that further substantially distinguish the invention of the present application over the prior art of record. Given the Applicant's position on the patentability of the independent claims, however, it is not deemed necessary at this point to delineate such distinctions.

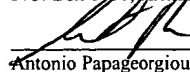
For the above reasons, the Applicant submits that the present invention, as claimed, is patentable over the references cited by the Examiner. Accordingly, reconsideration and allowance of pending claims 1-18 is therefore respectfully solicited. To expedite prosecution, the Examiner is invited to contact the Applicant's representative at 212-895-2905.

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Respectfully submitted,


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 June 8, 2004
Antonio Papageorgiou Date